

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TROY SHAW,

Plaintiff,

v.

No. CV 08-1048 JB/ACT

CANTEEN CORRECTIONAL SERVICES,
COMPASS GROUP U.S.A., BERNALILLO
COUNTY METROPOLITAN DETENTION
CENTER, and RON TORRES

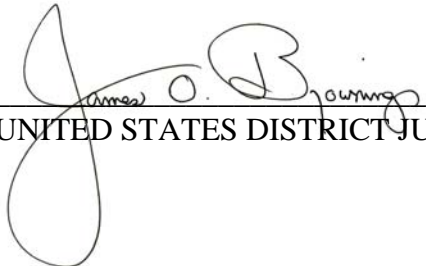
Defendants.

ORDER

THIS MATTER comes before the Court on: (i) the Plaintiff's Motion for an Injunction to Cease Retaliation and to Request a Martinez Report, filed April 9, 2009 (Doc. 8); (ii) the Plaintiff's Motion To Amend Law-Suit: Add New Defendants and Send Waivers of Service of Summons, filed April 24, 2009 (Doc. 9); and (iii) the Prisoner's Motion And Affidavit for Leave to Proceed Pursuant To 28 U.S.C. § 1915, filed October 29, 2009 (Doc. 13). Under rule 15(a)(2) of the Federal Rules of Civil Procedure, the Court will grant the motion to amend. By Order entered on November 18, 2008, the Court granted Plaintiff Troy Shaw's original motion for leave to proceed under 28 U.S.C. § 1915 and, therefore, will deny the renewed motion as moot. Shaw has not, however, complied with the terms of § 1915(b) requiring monthly financial reporting and installment payments. Nor has he complied with the Court's Orders requiring monthly financial certificates. See Order Granting Leave to Proceed Pursuant to 28 U.S.C. § 1915(b), and to Make Payments or Show Cause at 2, filed November 18, 2008 (Doc. 4); Order at 1, filed August 12, 2009 (Doc. 10).

The Court will therefore deny the motion for injunction without prejudice to him renewing his request at an appropriate time, pending resolution of these matters under § 1915(b).

IT IS ORDERED that: (i) the Plaintiff's Motion To Amend Law-Suit: Add New Defendants and Send Waivers of Service of Summons is granted; (ii) the Prisoner's Motion And Affidavit for Leave to Proceed Pursuant To 28 U.S.C. § 1915 is denied as moot; (iii) the Plaintiff's Motion for an Injunction to Cease Retaliation and to Request a Martinez Report is denied without prejudice to him renewing his request at an appropriate time if he complies with the Court's Orders requiring monthly financial certificates; and (iv) within twenty-one days from entry of this Order, the Plaintiff must submit a current inmate account statement and financial certificate, or a statutory installment payment toward the filing fee; and the Clerk is directed to send Shaw two copies of a form post-filing Financial Certificate.



UNITED STATES DISTRICT JUDGE

Parties:

Troy D. Shaw
Albuquerque, New Mexico

Plaintiff Pro Se